In the Supreme Court of the United States.

AMBROSE P. S. STUART,
Appellant,
v.
KENT K. HAYDEN, RECEIVER OF THE CAPITAL NATIONAL BANK,
Appellee.
No. 481.

G. M. LAMBERTSON, *Solicitor for Appellee.*

MOTION TO ADVANCE.

The appellee, by G. M. Lambertson, his counsel, respectfully moves the court to advance the same on the docket for hearing during the present term.

Suit was brought in the circuit court of the United States against the appellant to recover a stock assessment of 100 per cent on 150 shares of the capital stock of the Capital National Bank which the receiver alleged had been fraudulently transferred by the appellant, Ambrose P. S. Stuart, about a month before the failure of the bank.

A decree was rendered in favor of the appellee, Kent K. Hayden, receiver of the Capital National Bank, in the cir-

cuit court of the United States for the district of Nebraska, which was subsequently affirmed at the December, 1895, term of the United States circuit court of appeals for the eighth circuit. The amount of the decree is $16,785.42.

The Capital National Bank became insolvent on the 23d day of January 1893, when a receiver was appointed. The creditors are very numerous, and the claims against the bank exceed the assets by one million dollars.

The administration of the affairs of the bank have been delayed by the pendency of this suit, and the trust needs money for current expenses and to pay creditors. A dividend of only 15 per cent has been paid.

The bank's affairs have been in process of liquidation four years, and can be shortly wound up if a speedy hearing can be had in this case.

Notice of this motion has been served upon counsel for appellant, and proof of service is filed with the clerk.

An affidavit of the comptroller is herewith submitted in support of this application.

G. M. LAMBERTSON,
Solicitor for Appellee.

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AFFIDAVIT.

DISTRICT OF COLUMBIA, ss:

James H. Eckles, being duly sworn, says, that he is the comptroller of the currency.

That the above entitled suit was brought by the receiver of the Capital National Bank of Lincoln, Nebraska, to recover a stock assessment on one hundred and fifty (150) shares of capital stock of the said Capital National Bank held by appellant, which was transferred by him about one month before the failure of the bank.

The creditors are very numerous, and funds are needed to pay current expenses as well as creditors.

The affairs of the trust are in such a condition that on the determination of the foregoing action the trust can be shortly wound up.

The bank failed January 23, 1893, and a receiver was shortly thereafter appointed.

JAMES H. ECKLES.

Sworn before me this 12th day of December, 1896.

[L. S.] JAS. H. FITZPATRICK,
Notary Public.

SIR: The supreme court will be moved as aforesaid, on Monday the 1st day of February, 1897, or as soon thereafter as counsel can be heard.

G. M. LAMBERTSON,
Counsel for Appellee.

To C. C. Flansburg, Esq., Lincoln, Nebraska, Solicitor for Appellant.